

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re:	)	Chapter
	)	
	)	Case No.
	)	
Debtor.	)	
_____	)	Adversary No.
	)	
	)	
	)	
vs.	)	
	)	<b>TRIAL SCHEDULING ORDER</b>
	)	
	)	
Plaintiff.	)	
	)	
	)	
	)	
Defendant.	)	
_____	)	

A complaint and answer having been filed, and pursuant to Bankruptcy Rule of Procedure 7026(f), **IT IS HEREBY ORDERED** that the following schedule and trial information shall apply to this matter:

<b>Discovery Deadline:</b>	<b>30 days before trial</b>
<b>Dispositive Motions Deadline:</b>	<b>75 days before trial</b>
<b>Settlement Conf. Request Deadline:</b>	<b>two weeks before trial</b>
<b>Joint Pretrial Statement Due Date:</b>	<b>ten days before trial</b>
<b>Trial Date and time:</b>	_____
<b>Estimated length of trial:</b>	_____

Specifics concerning such schedule follow.

**Discovery**

All discovery, including answers to interrogatories and supplements to interrogatories, must be completed **no later than 30 days prior to trial**. This order contemplates that each party will

conduct discovery in such a manner as to complete it within the deadline set. Motions for protective order will not be considered unless counsel attaches the required affidavit under Local District Court Rule 1.10(j), setting forth the efforts made to accomplish amicable resolution.

### **Dispositive Motions.**

All dispositive motions, for either partial or complete relief (such as Motion for Summary Judgment), shall be filed **no later than 75 days before trial**. Hearings on dispositive motions shall be set by contacting the Courtroom Deputy by telephone. Counsel shall be responsible for filing and serving notice of such hearing. Motions will be scheduled as provided by the Rules of Procedure. A late-filed Motion will not be cause to delay or extend the trial setting.

### **Settlement Conference**

If the matter is suitable for reference to a settlement judge, a joint letter or motion to the Court containing a request for a settlement conference shall be submitted **no later than two weeks before trial**. Any settlement conference will not delay the trial setting.

### **Joint Pretrial Statement**

A joint pretrial statement shall be submitted **no later than ten days before trial**. If a joint pretrial statement cannot be submitted, unilateral pretrial statements, which shall include an affidavit of counsel setting forth the unsuccessful efforts to obtain and complete a joint pretrial statement, shall be filed no later than 5 days (including weekends and holidays) after the deadline for filing a joint pretrial statement. If dispositive motions have been filed, then the pretrial statement(s) shall be due as indicated or 30 days following resolution of the motions, whichever is later. A form of joint pretrial statement is attached for ease of reference.

### **Extension For Good Cause and Requests for a Pretrial Conference**

All of the deadlines above may be extended for good cause shown. The deadlines set forth in this order may only be extended by approval of the Court.. The Court will consider a request for a pretrial conference to adjust the dates and procedures set forth in this order. Any request for a pretrial conference must be made by motion and must set forth why the deadlines and procedures

in this order need to be extended or otherwise adjusted. Absent exceptional circumstances, no motion for extension of trial date will be considered if filed within five days of the trial date.

### **Trial**

The trial on this matter is set for \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_\_\_m. UNITED STATES BANKRUPTCY COURT, La Placita Acapulco Building, 110 South Church Avenue, Room 8212, Tucson, Arizona, 85701, before the HONORABLE EILEEN W. HOLLOWELL.

### **Declarations**

If all parties consent, direct testimony of all or some of the witnesses may be submitted by declaration. The following procedures will govern submission of testimony by declaration:

1. All declarations will be made under penalty of perjury and will be subject to the Federal Rules of Evidence.
2. If a witness' testimony is submitted by declaration, the witness must be available at trial to be cross examined by the other parties unless the other parties waive such appearance and the Court approves such waiver.
3. If a witness' direct testimony is submitted by declaration, the only oral testimony such witness may give will be limited to rebuttal testimony.
4. If a part of a witness' declaration concerns an exhibit to be admitted into evidence at trial, the exhibit must be attached to the declaration.
5. If a party intends to present the witness' testimony by a transcript of a deposition, a detailed summary of the testimony must be submitted with the transcript.
6. Notwithstanding the parties' agreement that a witness' testimony will be submitted by declaration, the Court may require any witness' testimony to be provided by direct examination. The Court will timely notify the parties if a witness' testimony may not be submitted by declaration.
7. Time for filing declaration and objections to declarations:
  - a) All declarations must be filed with the Joint Pretrial Statement.

- b) All evidentiary objections to declarations must be filed five (5) calendar days before trial.
- c) The Court will rule on evidentiary objections to the declarations at the time of trial.
- d) After the Joint Pretrial Statement is submitted, no other declarations will be allowed except by order of the Court.

**Estimated Trial Length**

The Court estimates that the time needed for trial is not more than \_\_\_\_\_. If the parties believe that additional trial time is necessary, then, within 30 days of receipt of this Scheduling Order, counsel shall file and serve a request for enlargement of the trial time setting forth the amount of time needed for trial together with a statement of the reason(s) additional time is needed.

**Exhibits**

An exhibit book or copies of exhibits for the Court is appreciated, but not required.

**Trial Briefs**

A trial memorandum may be filed at any time through the conclusion of the trial. Filing of such a memorandum by any party shall not delay the ruling in the case, nor shall it, without the Court's permission, extend to the non-filing party any type of extension or response period.

DATED:

\_\_\_\_\_  
THE HONORABLE EILEEN W. HOLLOWELL  
UNITED STATES BANKRUPTCY JUDGE

Copy mailed \_\_\_\_\_ to:

Atty for Plaintiff

Atty for Defendant

United States Trustee  
P.O. Box 36170  
Phoenix, Arizona 85067

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Deputy Clerk (sg)

In re	)	Chapter [ ] Proceedings
[Name of Debtor(s)]	)	Case No. [case no]-TUC-EWH
Debtor[s].	)	
_____	)	
[Name of Plaintiff(s)]	)	Adversary No. [ ]
Plaintiff[s],	)	
vs.	)	--SAMPLE--
[List all Defendant(s)]	)	JOINT PRE-TRIAL STATEMENT
Defendant[s].	)	Trial Date: 00/00/20__
	)	Trial Time: 00:00 __.m.